

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

IN RE CATTLE and BEEF ANTITRUST
LITIGATION

Case No. 20-cv-1319 (JRT/HB)

This document relates to:

ALL CASES

**PROPOSED JOINT AGENDA FOR
CASE MANAGEMENT CONFERENCE ON FEBRUARY 2, 2022**

The parties hereby submit this Joint Agenda for the Case Management Conference set before Magistrate Judge Bowbeer at 1:00 p.m. on February 2, 2022, along with identification of the attorney for Plaintiffs and the attorney for Defendants who will speak on each issue.

I. Appearances

The following attorneys will appear at the February 2, 2022 Conference:

<u>Plaintiffs' Counsel Appearances</u>	
Cattle	Jennifer W. Sprengel Stacey P. Slaughter Patrick McGahan
Beef Consumer Indirect Purchasers	Brian D. Clark Shana Scarlet Kyle J. Pozan
Beef Direct Purchasers	Megan E. Jones Jason Hartley Adam Zapala Michelle J. Looby
Beef Commercial Indirect Purchasers	Blaine Finley Sterling Aldridge

Winn-Dixie	Patrick Ahern
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<u>Defendants' Counsel Appearances</u>	
Cargill	Britt M. Miller X. Kevin Zhao Holley C. M. Horrell
JBS	Donald G. Heeman Sami H. Rashid Patrick E. Brookhouser, Jr.
National Beef	Tiffany D. Lipscomb-Jackson Benjamin L. Ellison
Tyson	David P. Graham Ulrike B. Connelly

II. Introductory Remarks

The parties agreed to extend the date to complete meet-and-confers on RFP objections, custodians, non-custodial sources, and date ranges from January 10, 2022 to January 24, 2022, and as of the submission of this letter continue to meet and confer in good faith on a number of items. Therefore, IDR letters are not being submitted in advance of this Conference. At the conference, the parties would like to seek the Court's assistance in scheduling another hearing date for the anticipated discovery disputes.

The parties will also be prepared to update the Court on additional discovery that has been served.

Speaking for Plaintiffs: Patrick McGahan

Speaking for Defendants: Holley Horrell

III. Status of Discovery

- a. **Discovery issues:** The parties will be prepared to provide an update on the

meet-and-confers on “Set One” RFP responses and objections, custodians, non-custodial sources, and date ranges, and to discuss the process for seeking assistance from the Court where the parties have reached an impasse.

Speaking for Plaintiffs: Patrick McGahan

Speaking for Defendants: Holley Horrell

- b. **Deposition protocol negotiations:** The parties have exchanged multiple drafts of a proposed deposition protocol and held two meet-and-confers to date in an effort to narrow any disputes. The parties hope to reach agreement on a deposition protocol but anticipate there may be some disputes for the Court’s disposition.

Speaking for Plaintiffs: Kyle Pozan

Speaking for Defendants: Benjamin Ellison

- c. **Search terms and methodology:** The deadline for completing meet-and-confers over a search methodology order for unstructured data is January 31, 2022, and the parties must submit any disputes regarding that order to the Court by February 14, 2022. (*See* ECF No. 271.) The parties agree there is nothing ripe for the Court’s consideration yet. To the extent the Court has any questions about the parties’ progress, the following attorneys will speak to this agenda item:

Speaking for Plaintiffs: Kyle Pozan

Speaking for Defendants: Ulrike Connelly

- d. **Structured data:** Similarly, the deadline for completing meet-and-confers

over reasonable queries against structured data is January 31, 2022, and the parties must submit any disputes regarding structured data to the Court by February 14, 2022. (*See* ECF No. 271.) The parties agree there is nothing ripe for the Court's consideration yet. To the extent the Court has any questions about the parties' progress, the following attorneys will speak to this agenda item:

Speaking for Plaintiffs: Patrick McGahan

Speaking for Defendants: Ulrike Connelly

- e. **Defendants' motion for a protective order regarding third-party subpoenas for telephone records:** Defendants intend to move for a protective order regarding Consumer Plaintiffs' third-party subpoenas for telephone records associated with Defendants or Defendants' employees and officers. The parties have met and conferred regarding the dispute and agree they are at impasse. Defendants intend to coordinate a hearing date with other discovery-related issues that are currently being negotiated (discussed above). To the extent the Court has any questions about this update, the following attorneys will speak to this agenda item:

Speaking for Plaintiffs: Kyle Pozan

Speaking for Defendants: Holley Horrell

- f. **Updates on the parties' meet-and-confers regarding DPP Plaintiffs' new class representatives:** In the Third Amended Complaint filed January 18, 2022, the DPP Plaintiffs added two new class representatives. These

Plaintiffs have made initial and Attachment 1 disclosures, custodian proposals, and structured data source proposals, and served responses and objections to the Set One requests for production that were deemed served on them. The parties are endeavoring to complete related meet-and-confers by January 31, 2022. The parties will be prepared to discuss any updates or outstanding issues.

Speaking for Plaintiffs: Adam Zapala

Speaking for Defendants: Holley Horrell

IV. Scheduling Order

- a. The parties will be prepared to answer any questions from the Court on proposed Rule 26f report and related submissions.

Speaking for Plaintiffs: Jennifer Sprengel

Speaking for Defendants: Britt Miller

/s/ Jennifer W. Sprengel

Anthony F. Fata (*pro hac vice*)
Jennifer W. Sprengel (*pro hac vice*)
Kaitlin Naughton (*pro hac vice*)

**CAFFERTY CLOBES
MERIWETHER & SPRENGEL LLP**
135 S. LaSalle, Suite 3210
Chicago, IL 60603
Tel: 312-782-4882
Fax: 312-782-4485
afata@caffertyclobes.com
jsprengel@caffertyclobes.com
knaughton@caffertyclobes.com

Christopher M. Burke (*pro hac vice*)
**SCOTT + SCOTT ATTORNEYS
AT LAW LLP**
600 W. Broadway, Suite 3300
San Diego, CA 92101
Tel: 619-233-4565
Fax: 619-233-0508
cburke@scott-scott.com

Joseph P. Guglielmo (*pro hac vice*)
**SCOTT + SCOTT ATTORNEYS
AT LAW LLP**
The Helmsley Building
230 Park Avenue, 17th Floor
New York, NY 10169
Tel: 212-223-6444
Fax: 212-223-6334
jguglielmo@scott-scott.com

David R. Scott (*pro hac vice*)
Amanda F. Lawrence (*pro hac vice*)
Patrick J. McGahan (*pro hac vice*)
Michael P. Srodoski (Bar No. 0398250)
**SCOTT + SCOTT ATTORNEYS
AT LAW LLP**
156 Main Street
P.O. Box 192
Colchester, CT 06415
Tel: 860-537-5537

/s/ Holley C. M. Horrell

X. Kevin Zhao, Reg. No. 0391302
Holley C. M. Horrell, Reg. No. 0399636
Davida S. McGhee, Reg. No. 0400175
GREENE ESPEL PLLP
222 S. Ninth Street, Suite 2200
Minneapolis, MN 55402
Tel.: (612) 373-0830
kzhao@greeneespe.com
hhorrell@greeneespe.com
dwilliams@greeneespe.com

Britt M. Miller (*pro hac vice*)
Nicole A. Saharsky (*pro hac vice*)
William H. Stallings (*pro hac vice*)
MAYER BROWN LLP
1999 K Street, NW
Washington, DC 20006-1101
Tel: (202) 263-3338
bmiller@mayerbrown.com
nsaharsky@mayerbrown.com
wstallings@mayerbrown.com

***Counsel for Defendants Cargill,
Incorporated and Cargill Meat Solutions
Corporation***

/s/ Benjamin L. Ellison

Benjamin L. Ellison, Reg. No. 0392777
JONES DAY
90 South Seventh Street, Suite 4950
Minneapolis, MN 55402
Tel: (612) 217-8862
bellison@jonesday.com

Julia E. McEvoy (*pro hac vice*)
JONES DAY
51 Louisiana Avenue, N.W.
Washington, D.C. 20001-2113
Tel.: (202) 879-3867
jmcevoy@jonesday.com

Fax: 860-537-4432
david.scott@scott-scott.com
alawrence@scott-scott.com
pmcgahan@scott-scott.com
msrodoski@scott-scott.com

Ellen Meriwether (*pro hac vice*)
CAFFERTY CLOBES
MERIWETHER & SPRENGEL LLP
205 N. Monroe Street
Media, PA 19063
Tel: 215-864-2800
Fax: 215-864-2810
emeriwether@caffertyclobes.com

***Interim Co-Lead Counsel for the
Cattle Plaintiffs***

K. Craig Wildfang (Bar No. 0117043)
Thomas J. Undlin (Bar No. 0183751)
Stacey P. Slaughter (Bar No. 0296971)
Geoff Kozen
Eric P. Barstad
ROBINS KAPLAN LLP
800 LaSalle Avenue, Suite 2800
Minneapolis, MN 55402
Tel: 612-349-8500
Fax: 612-339-4181
kcwildfang@robinskaplan.com
tundlin@robinskaplan.com
sslaughter@robinskaplan.com
gkozen@robinskaplan.com
ebarstad@robinskaplan.com

Tiffany D. Lipscomb-Jackson (*pro hac
vice*)
JONES DAY
325 John H. McConnell Blvd., Suite 600
Columbus, OH 43215-2673
Tel: (614) 281-3876
tdlipscombjackson@jonesday.com

Michelle K. Fischer (*pro hac vice*)
JONES DAY
901 Lakeside Avenue
Cleveland, OH 44114-1190
Tel: (216) 586-3939
mfischer@jonesday.com

Eddie Hasdoo (*pro hac vice*)
JONES DAY
77 West Wacker Drive, Suite 500
Chicago, IL 60601-1692
Tel: (312) 269-4214
ehasdoo@jonesday.com

***Counsel for Defendant National
Beef Packing Company, LLC***

/s/ Jessica J. Nelson
Donald G. Heeman, Reg. No. 0286023
Jessica J. Nelson, Reg. No. 0347358
Randi J. Winter, Reg. No. 0391354
SPENCER FANE
100 South Fifth Street, Suite 2500
Minneapolis, MN 55402
Tel: (612) 268-7000
dheeman@spencerfane.com
jnelson@spencerfane.com
rwinter@spencerfane.com

Kellie Lerner
ROBINS KAPLAN LLP
399 Park Avenue, Suite 3600
New York, NY 10022
Tel: 212-980-7400
Fax: 212-980-7499
klerner@robinskaplan.com

Liaison Counsel for the Cattle Plaintiffs

Shana E. Scarlett (*pro hac vice*)
Rio S. Pierce (*pro hac vice*)
**HAGENS BERMAN SOBOL
SHAPIRO LLP**
715 Hearst Avenue, Suite 202
Berkeley, California 94710
Tel: (510) 725-3000
Fax: (510) 725-3001
shanas@hbsslaw.com
riop@hbsslaw.com

Steve W. Berman (*pro hac vice*)
**HAGENS BERMAN SOBOL
SHAPIRO LLP**
1301 Second Avenue, Suite 2000
Seattle, Washington 98101
Tel: (206) 623-7292
Fax: (206) 623-0594
steve@hbsslaw.com

W. Joseph Bruckner (MN #0147758)
Brian D. Clark (MN #0390069)
Arielle S. Wagner (MN #0398332)
Kyle J. Pozan (*pro hac vice*)
**LOCKRIDGE GRINDAL NAUEN
P.L.L.P.**
100 Washington Avenue South
Suite 2200
Minneapolis, MN 55402
Tel: (612) 339-6900
Fax: (612) 339-0981
wjbruckner@locklaw.com

Stephen Neuwirth (*pro hac vice*)
Sami H. Rashid (*pro hac vice*)
**QUINN EMANUEL URQUHART &
SULLIVAN LLP**
51 Madison Avenue
New York, NY 10010
Tel: (212) 849-7000
stephenneuworth@quinnemanuel.com
samirashid@quinnemanuel.com

***Counsel for Defendants JBS USA
Food Company, JBS Packerland,
Inc., Swift Beef Company, and JBS
S.A. in the DPP, Peterson, Erbert
& Gerbert's, and Winn- Dixie cases***

/s/ Christopher R. Morris
Lewis A. Remele, Jr., Reg. No. 90724
Christopher R. Morris, Reg. No. 230613
BASSFORD REMELE, P.A.
100 South 5th Street, Suite 1500
Minneapolis, MN 55402
Tel: (612) 333-3000
lremele@bassford.com
cmorris@bassford.com

William F. Hargens (*pro hac vice*)
Mark F. Enenbach (*pro hac vice*)
Patrick E. Brookhouser, Jr. (*pro hac vice*)
Matthew G. Munro (*pro hac vice*)
**MCGRATH NORTH MULLIN &
KRATZ, PC LLO**
First National Tower, Suite 3700
1601 Dodge Street
Omaha, NE 68102
Tel: (402) 341-3070
whargens@mcgrathnorth.com
menenbach@mcgrathnorth.com
pbrookhouser@mcgrathnorth.com
mmunro@mcgrathnorth.com

Counsel for Defendants JBS

bdclark@locklaw.com
aswagner@locklaw.com
kjpozan@locklaw.com

J. Barton Goplerud
**SHINDLER, ANDERSON,
GOPLERUD & WEESE, PC**
5015 Grand Ridge Drive, Suite 100
West Des Moines, Iowa 50265
Tel: (515) 223-4567
Fax: (515) 223-8887
goplerud@sagslaw.com

***Counsel for Plaintiffs and the Proposed
Consumer Indirect Purchaser Classes in
the Peterson Action***

Daniel E. Gustafson (#202241)
Daniel C. Hedlund (#259337)
Michelle J. Looby (#0388166)
Joshua J. Rissman (#0391500)
Brittany Resch (#397656)
GUSTAFSON GLUEK PLLC
Canadian Pacific Plaza
120 Sixth Street, Suite 2600
Minneapolis, MN 55402
Tel: (612) 333-8844
Fax: (612) 339-6622
dgustafson@gustafsongluek.com
dhedlund@gustafsongluek.com
mlooby@gustafsongluek.com
jrissman@gustafsongluek.com
bresch@gustafsongluek.com

Dennis J. Stewart (*pro hac vice*)
GUSTAFSONGLUEK PLLC
600 B Street, 17th Floor
San Diego, CA 92101
Tel: (612) 333-8844
Fax: (612) 339-6622
dstewart@gustafsongluek.com

***USA Food Company, JBS
Packerland, Inc., Swift Beef
Company, and JBS S.A. in the
Cattle case***

/s/ Ulrike B. Connelly
David P. Graham, Reg. No. 0185462
DYKEMA GOSSETT, PLLC
4000 Wells Fargo Center
90 South 7th Street
Minneapolis, MN 55402
Tel: (612) 486-1521
dgraham@dykema.com

Jon B. Jacobs (*pro hac vice*)
PERKINS COIE LLP
700 13th Street, NW, Suite 800
Washington, DC 20005
Tel: (202) 654-1758
jbjacobs@perkinscoie.com

Susan E. Foster (*pro hac vice*)
Ulrike B. Connelly (*pro hac vice*)
Tiffany L. Lee (*pro hac vice*)
PERKINS COIE LLP
1201 Third Avenue, Suite 4900
Seattle, WA 98101-3099
Tel: (206) 359-8846
sfoster@perkinscoie.com
uconnelly@perkinscoie.com
tiffanylee@perkinscoie.com

***Counsel for Defendants Tyson
Foods, Inc., and Tyson Fresh
Meats, Inc.***

Adam J. Zapala (*pro hac vice*)
Elizabeth T. Castillo (*pro hac vice*)
Reid W. Gaa (*pro hac vice*)
**COTCHETT, PITRE & MCCARTHY,
LLP**
840 Malcolm Road, Suite 200
Burlingame, CA 94010
Tel: (650) 697-6000
azapala@cpmlega.com
ecastillo@cpmlega.com
rgaa@cpmlegal.com

Alexander E. Barnett (*pro hac vice*)
**COTCHETT, PITRE & MCCARTHY,
LLP**
40 Worth Street, 10th Floor
New York, NY 10013
Tel: (212) 201-6820
Fax: (917) 398-7753
abarnett@cpmlegal.com

Jason S. Hartley (*pro hac vice*)
HARTLEY LLP
600 Montgomery Street, Suite 3200
San Francisco, CA 94111
Tel: (415) 633-1908
hartley@hartleyllp.com

Megan E. Jones (*pro hac vice*)
HAUSFELD LLP
600 Montgomery Street, Suite 3200
San Francisco, CA 94111
Tel: (415) 633-1908
mjones@hausfeld.com

***Interim Co-Lead Counsel for the
Proposed Direct Purchaser Plaintiffs***

Shawn M. Raiter (MN #240424)
LARSON KING LLP
30 East Seventh Street, Suite 2800
St. Paul, MN 55101
Tel: (651) 312-6518
sraiter@larsonking.com

Don Barrett (*pro hac vice*)
David McMullan (*pro hac vice*)
BARRETT LAW GROUP, P.A.
P.O. Box 927
404 Court Square
North Lexington, MS 39095-0927
Tel: (662) 834-9168
Fax: (662) 834-2628
donbarrettpa@gmail.com
mcmullan@BarrettLawGroup.com

Jonathon W. Cuneo (*pro hac vice*)
Blaine Finley (*pro hac vice*)
CUNEO GILBERT & LADUCA, LLP
4725 Wisconsin Avenue, NW, Suite 200
Washington, DC 20016
Tel: (202) 789-3960
jonc@cuneolaw.com
bfinley@cuneolaw.com

Jon Tostrud
Anthony Carter (to apply *pro hac vice*)
TOSTRUD LAW GROUP, P.C.
1925 Century Park East
Suite 2100
Los Angeles, CA 90067
jtostrud@tostrudlaw.com
acarter@tostrudlaw.com

***Counsel for Erbert & Gerbert's, Inc. and
the Proposed Classes***

Patrick J. Ahern
Theodore B. Bell
AHERN AND ASSOCIATES, P.C.
Willoughby Tower
8 South Michigan Avenue, Suite 3600
Chicago, Illinois 60603
Tel: (312) 404-3760
patrick.ahern@ahernandassociatespc.com
theo.bell@ahernandassociatespc.com

Patrick J. Lee-O'Halloran (#269074)
**THOMPSON TARASEK LEE-
O'HALLORAN PLLC**
7101 York Avenue South, Suite 255
Edina, MN 55435
Tel: (612) 568-0132
Fax: (612) 564-6976
patrick@ttlolaw.com

*Attorneys for Plaintiffs Winn-Dixie
Stores, Inc., and Bi-Lo Holding, LLC*